

# **EXHIBIT B**

CAUSE NO. \_\_\_\_\_

BEATRIZ ALVARADO	§	IN THE DISTRICT COURT
Plaintiff	§	
	§	
v.	§	_____ JUDICIAL DISTRICT
	§	
LOWE’S HOME CENTERS, LLC	§	
Defendant	§	EL PASO COUNTY, TEXAS

**PLAINTIFF’S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE**

COMES NOW, BEATRIZ ALVARADO, hereafter referred to as Plaintiff, and files this Petition against Defendant, LOWE’S HOME CENTERS, LLC, and for such cause of action would show unto the Court as follows:

**I.**

**PARTIES**

Plaintiff is an individual who resides in El Paso County, Texas.

Defendant, LOWE’S HOME CENTERS, LLC, is a foreign corporation doing business in the State of Texas and may be served with citation by serving its registered agent:

Corporation Service Company  
DBA CSC-Lawyers Incorporating Service Company  
211 E. 7<sup>th</sup> St., Ste. 620  
Austin, TX 78701

**II.**

**DISCOVERY CONTROL PLAN**

Pursuant to Rule 190.4 of the Texas Rules of Civil Procedure, Plaintiff alleges that this lawsuit is intended to be conducted under a Level 3 Discovery Control Plan. As such, absent an agreement by and between all parties, Plaintiff requests that a case management conference be set at the Court’s earliest convenience so that a discovery/docket control conference order be entered



**III.**

**VENUE**

Venue of the above-styled and numbered cause is proper in El Paso County, Texas, pursuant to the Texas Civil Practice & Remedies Code §15.002 (a)(3) as El Paso County is the county in which all or a substantial part of the acts or omissions giving rise to this suit occurred.

**IV.**

**JURISDICTION**

This suit is brought in accordance with the laws of the State of Texas, for the recovery of damages which are in excess of the minimum jurisdictional limits of the Court to which Plaintiff is entitled to receive as compensation for the cause of action described below. Accordingly, the Court has jurisdiction over this matter.

**V.**

**FACTS**

On or about April 24, 2019, Plaintiff Beatriz Alvarado was shopping at Lowe's located at 4531 Woodrow – Transmountain Road in El Paso, Texas, owned and operated by Defendant. As she was shopping, a Lowe's employee dropped a door from a forklift, which suddenly, and without warning, fell onto the Plaintiff causing severe and disabling injuries.

**VI.**

**CAUSE OF ACTION – NEGLIGENCE**

Defendant had a duty to its customers and the general public, including the Plaintiff, to ensure the safety of its premises. Defendant breached that duty by failing to properly train and supervise its employees regarding the proper transport of its merchandise and the use of a forklift



around customers. As a result, Defendant's acts and/or omissions resulted in Plaintiff's serious and permanent injuries for which she now seeks damages.

**VII.**

**RESPONDEAT SUPERIOR**

At all times mentioned herein, all agents, servants and/or employees of Defendant were acting within the course and scope of their employment or official duties and in furtherance of the duties of their employment. Thus, Defendant is responsible for all damages resulting from the negligent acts and/or omissions of its agents, servants and/or employees under the doctrine of *respondeat superior*.

**VIII.**

**DAMAGES**

As a direct and proximate result of Defendant's negligence, Plaintiff seeks the following damages:

1. Reasonable expenses of necessary medical care incurred in the past;
2. Reasonable expenses of necessary medical care that, in reasonable probability, Plaintiff will incur in the future;
3. Loss of earning capacity sustained in the past;
4. Loss of earning capacity that, in reasonable probability, Plaintiff will incur in the future;
5. Physical pain and mental anguish sustained in the past;
6. Physical pain and mental anguish that, in reasonable probability, Plaintiff will sustain in the future;
7. Physical impairment sustained in the past;
8. Physical impairment that, in reasonable probability, Plaintiff will sustain in the future;
9. Physical disfigurement sustained in the past; and



10. Physical disfigurement that, in reasonable probability, Plaintiff will sustain in the future.

**IX.**

**RANGE OF DAMAGES**

Plaintiff seeks monetary relief over \$1,000,000.00. However, Plaintiff reserves the right to either file a trial amendment or an amended pleading on this issue should subsequent evidence show this figure to be either too high or too low.

**X.**

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial in accordance with Rule 216 of the Texas Rules of Civil Procedure and tenders herewith the appropriate jury fee.

**XI.**

**REQUEST FOR DISCLOSURE**

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant is requested to disclose, within fifty (50) days of service of this request, the information or material described in Texas Rule of Civil Procedure 194.2(a) – (l).

**XII.**

**RULE 193.7 NOTICE**

Plaintiff hereby serves notice of her intent to use any and all documents produced by the Defendant in response to written discovery propounded to the Defendant. As such, the produced documents are self-authenticating pursuant to Rule 193.7 of the Texas Rules of Civil Procedure.



**XIII.**

**PLAINTIFF'S REQUEST FOR NOTICE BY DEFENDANT OF INTENT TO SEEK  
ADMISSION OF CRIMINAL CONVICTIONS OF WITNESSES  
PURSUANT TO TEXAS RULES OF EVIDENCE, RULE 609(f)**

Pursuant to Rule 609(f) of the Texas Rules of Evidence, Plaintiff demands timely written notice by Defendant should Defendant intend to seek admission of criminal convictions, as defined in TRE, Rule 609(a) against any witness designated by any party as a relevant fact witness, testifying expert witness and/or any consulting expert witness whose mental impressions or opinions have been reviewed by a testifying expert witness.

**PRAYER**

WHEREFORE, Plaintiff prays that the Defendant be duly cited to appear and answer herein; that upon a final trial of this cause, Plaintiff recovers:

1. Judgment against Defendant for Plaintiff's damages as set forth above, in an amount within the minimum jurisdictional limits of this Court;
2. Interest on said judgment at the legal rate from date of judgment;
3. Prejudgment interest as allowed by law;
4. Costs of Court; and
5. Such other and further relief to which Plaintiff may be entitled.

Respectfully submitted,

**LAW OFFICE OF ROGELIO SOLIS, PLLC**  
P. O. Box 2307  
Edinburg, Texas 78540  
Tel: (915) 307-3035  
Fax: (866) 924-6704  
Email: rogelio@381help.com

By: R. Solis  
ROGELIO SOLIS



A TRUE COPY, I CERTIFY  
NORMA FAVELA BARCELEAU  
District Clerk  
BY Ofelia Solis  
Deputy

April 16, 2021

State Bar No. 24081374

DANIEL R. SORRELLS, *of counsel*

State Bar No. 24072356

Email: [daniel@381help.com](mailto:daniel@381help.com)

&

**GARZA MARTINEZ, L.L.P.**

I. Cecilia Garza

State Bar No. 24041627

[cecilia@garzamartinezlaw.com](mailto:cecilia@garzamartinezlaw.com)

Veronica Sepulveda Martinez

State Bar No. 24081144

[veronica@garzamartinezlaw.com](mailto:veronica@garzamartinezlaw.com)

P.O. Box 4134

Edinburg, TX 78540

Telephone No.: 956/335-4900

Telecopier No.: 956/338-5700

***ATTORNEYS FOR PLAINTIFF***



Norma Favela Barceleau  
District Clerk  
El Paso County  
2020DCV3306

LAW OFFICE OF ROGELIO  
SOLIS, PLLC

### Request for Citations

October 27, 2020

Rogelio Solis

*Of Counsel:*

Daniel R. Sorrells

**VIA E Filing**

Mailing:

P. O. Box 2307  
Edinburg, Texas 78540

205 E. Expressway 83  
Pharr, Texas 78577  
Tel: (956) 271-1499  
Fax: (866) 924-6704  
Email: pi@381help.com

El Paso County District Clerks Office  
Attn: Assistant Clerk  
500 E. San Antonio Ave., #103  
El Paso, Texas 79901

**RE:**

**Case No.: 2020DCV3306**

Dear Assistant Clerk:

Please e-mail me copies of the citation for Plaintiff's Original Petition and Request for Disclosure on October 13, 2020 for the following defendant:

Lowe's Home Centers, LLC through its registered agent, Corporation Service Company dba CSC-Lawyers Incorporating Service Company address: 211 E. 7<sup>th</sup> St., Suite 620, Austin, Texas 78701, or wherever it may be found.

By this letter, I am requesting citation by personal service and will use a private process server. I have file stamped copies of the petition. Please e-mail citations to daniel@381help.com.

Respectfully,



Daniel Sorrells  
Attorney & Counselor at Law



A TRUE COPY, I CERTIFY  
NORMA FAVELA BARCELEAU  
District Clerk  
BY Ofelia Solis  
Deputy

April 16, 2021



**THE STATE OF TEXAS**

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **LOWE'S HOME CENTERS, LLC**, who may be served with process through its registered agent at **CORPORATION SERVICE COMPANY d/b/a CSC-LAWYERS INCORPORATING SERVICE COMPANY** at **211 E 7th STREET, SUITE 620, AUSTIN, TX 78701** or wherever he/she may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **448<sup>th</sup> Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 13<sup>th</sup> day of October, 2020 by Attorney at Law, **ROGELIO SOLIS**, PO BOX 2307, EDINBURG, TX 78540-2307, in this case numbered **2020DCV3306** on the docket of said court, and styled:

**BEATRIZ ALVARADO**  
**V.**  
**LOWE'S HOME CENTERS, LLC**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the **PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 28<sup>th</sup> day of October, 2020.

CLERK OF THE COURT

**NORMA FAVELA BARCELEAU**  
District Clerk  
El Paso County Courthouse  
500 E. San Antonio Ave, RM 103  
El Paso, Texas 79901

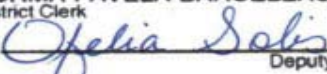


Attest: NORMA FAVELA BARCELEAU District Clerk  
El Paso County, Texas

By: , Deputy  
Ashley Nunez



Rule 106: "the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

A TRUE COPY, I CERTIFY  
**NORMA FAVELA BARCELEAU**  
District Clerk  
BY  Deputy

April 16, 2021

**RETURN**

Came on hand on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and executed in \_\_\_\_\_ County, Texas, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the **PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE**, at the following times and places, to-wit:

NAME	DATE			TIME			Place, and Course and Distance
	MONTH	DAY	YEAR	Hour	Min.	____.M.	
							From Court House

And not executed as to the defendant, \_\_\_\_\_

The diligence used in finding said defendant, being \_\_\_\_\_

And the cause of failure to execute this process is: \_\_\_\_\_

And the information received as to the whereabouts of the said defendant, being \_\_\_\_\_

FEES—SERVING \_\_\_\_\_ copy \_\_\_\_\_ \$ \_\_\_\_\_ Sheriff  
\_\_\_\_\_ County, Texas

Total \_\_\_\_\_ \$ \_\_\_\_\_ by \_\_\_\_\_, Deputy

**CERTIFICATE OF DELIVERY**

I do hereby certify that I delivered to \_\_\_\_\_,  
\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m. this copy of this instrument.

\_\_\_\_\_, Sheriff/Agent  
\_\_\_\_\_, County, Texas  
By \_\_\_\_\_, Deputy/Agent

**SUBSCRIBED AND SWORN TO BEFORE ME ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.**

**(SEAL)**

\_\_\_\_\_  
**NOTARY PUBLIC, STATE OF TEXAS**



CAUSE NO. 2020DCV3306

BEATRIZ ALVARADO,	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
v.	§	EL PASO COUNTY, TEXAS
	§	
LOWE'S HOME CENTERS, LLC,	§	
<i>Defendant.</i>	§	448 <sup>th</sup> JUDICIAL DISTRICT

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**DEFENDANT LOWE'S HOME CENTERS, LLC'S  
ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION  
AND DEMAND FOR A JURY TRIAL**

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LOWE'S HOME CENTERS, LLC (hereinafter "Defendant") hereby files its Original Answer to Plaintiff's Original Petition and Demand for a Jury Trial as follows:

**I.  
GENERAL DENIAL**

1. Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demands strict proof thereof.

**II.  
JURY DEMAND**

2. In accordance with Rule 216 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant demands a trial by jury and hereby tenders the applicable jury fee with its Answer.

**III.  
PRAYER FOR RELIEF**

3. Defendant, LOWE'S HOME CENTERS, LLC, prays that Plaintiff take nothing by this lawsuit, that Defendant go hence with its costs without delay, and for



such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

**MAYER LLP**

750 North Saint Paul Street, Suite 700  
Dallas, Texas 75201  
214.349.6900 / Fax 214.379.6939

By: /s/ Robin R. Gant

Zach T. Mayer  
State Bar No. 24013118  
E-Mail: [zmayer@mayerllp.com](mailto:zmayer@mayerllp.com)  
Robin R. Gant  
State Bar No. 24069754  
E-Mail: [rgant@mayerllp.com](mailto:rgant@mayerllp.com)

**ATTORNEYS FOR DEFENDANT  
LOWE'S HOME CENTER, LLC**

**CERTIFICATE OF SERVICE**

This is to certify that on the 12<sup>th</sup> day of April 2021, a true and correct copy of the foregoing has been forwarded to all counsel of record as follows:

Rogelio Solis  
LAW OFFICE OF ROGELIO SOLIS, PLLC  
P. O. Box 2307  
Edinburg, Texas 78540

and

I. Cecilia Garza  
Veronica Sepulveda Martinez  
GARZA MARTINEZ, L.L.P.  
P. O. Box 4134  
Edinburg, TX 78540

*Counsel for Plaintiff*

- ☐ E-MAIL:
- ☐ HAND DELIVERY
- ☐ FACSIMILE
- ☐ OVERNIGHT MAIL
- ☐ REGULAR, FIRST CLASS MAIL
- ☒ E-FILE AND SERVE
- ☐ E-SERVICE ONLY
- ☐ CERTIFIED MAIL/RETURN RECEIPT REQUESTED

/s/ Robin R. Gant

Robin R. Gant



A TRUE COPY, I CERTIFY  
NORMA FAVELA BARCELEAU  
District Clerk

BY

Opelia Solis  
Deputy

April 16, 2021